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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/623,852	10/30/2000	Martin Peller	951/49160	8122

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EXAMINER

NGUYEN, DUSTIN

ART UNIT PAPER NUMBER

2154

DATE MAILED: 09/12/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/623,852

Applicant(s)

PELLER ET AL.

Examiner

Dustin Nguyen

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

1. Claims 5 – 12 are presented for consideration.

Specification

2. The disclosure is objected to because of the following informalities: Undefined term “CAN” on page 2.

Appropriate correction is required.

3. As per Preliminary Amendment filed on 10/30/2000, Applicant requests to cancel claims 1-4 and add new claims 5-11. This is incorrect, the added claims are 5-12.

Claim Objections

4. Claim 5 is objected to because of the following informalities: inconsistent terminology “hierarchical transmission sequence” and “hierarchal transmission sequence”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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6. Claims 5-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 5 and 9 claim subject matter of "a light guide" which is not mentioned nor defined in the disclosure.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 7, 8, 9-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following terms lack antecedent basis:

- | | | | |
|------|-------------------------------|---|------------------|
| I. | the length of said delay time | - | claims 7 and 11 |
| II. | the type of connection | - | claims 8 and 12 |
| III. | transmission sequence | - | claim 9 |
| IV. | the delay time | - | claims 8 and 12. |

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

10. Claims 5, 7-9, 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Pogue, Jr. [US Patent No 5,995,512].

11. As per claim 5, Pogue discloses the invention substantially as claimed including a process for operating a plurality of nodes through a configured data bus wherein said nodes are in communication with one another through said configured data bus, said method comprising the steps of

connecting at least one of said nodes through a light guide to said data bus configuration [col 2, lines 1-7; and col 10, lines 53-65];

providing synchronization pulses to synchronize each of said nodes [col 13, lines 58-col 14, lines 8; and col 16, lines 30-51];

transmitting information signals from said nodes with a hierarchical transmission sequence [col 1, lines 23-47; and col 4, lines 22-32] including the step of starting transmission of said information signals so that said information elements are independent of any one of said

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nodes [Figure 7; and col 13, lines 25-43] and wherein said starting transmission has a start time which is solely a function of said hierarchal transmission sequence [Figure 6; and col 4, lines 61-65].

12. As per claim 7, Pogue discloses the step of setting a delay time for each node within one cycle of said transmission sequence wherein the length of said delay time is complimentary to a signal transit time between a predetermined node and said data bus [col 15, lines 65-col 16, lines 9].

13. As per claim 8, Pogue discloses the delay time is a function of the type of connection between a node and the data bus [col 8, lines 42-65; and col 9, lines 6-9].

14. As per claims 9, 11 and 12, they are apparatus claimed of claim 5, 7 and 8, they are rejected for similar reasons as stated above in claims 5, 7 and 8.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pogue, Jr. [US Patent No 5,995,512], in view of applicant's submitted prior art "A network Architecture With Distributed Switching Function For Optical Fiber Links".

17. As per claim 6, Pogue does not specifically disclose the transmission start time for an information element for a predetermined node is set to be later than when said predetermined node had previously received an information element from another one of said nodes. Applicant's submitted prior art discloses the transmission start time for an information element for a predetermined node is set to be later than when said predetermined node had previously received an information element from another one of said nodes [section of Method 2 described on page 480]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Pogue and applicant's submitted prior art because it would allow to allocate empty slot or frame to any nodes that need to transmit data, which helps to reduce delay time.

18. As per claim 10, it is apparatus claimed of claim 6, it is rejected for similar reasons as stated above in claim 6.

19. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on Monday – Friday (8:00 – 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directly to the receptionist whose telephone number is (703) 305-3900.

Dustin Nguyen


TARNI MAUNG
EXAMINER